

# **The Amritsar massacre: The origins of the British approach of minimal force on public order operations**

**A Monograph  
by  
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## **Abstract**

**THE AMRITSAR MASSACRE: THE ORIGINS OF THE BRITISH APPROACH OF MINIMAL FORCE ON PUBLIC ORDER OPERATIONS** by Major Richard SC Bell, R IRISH, British Army, 52 pages.

Since the end of the Cold War the British Army has been involved in crowd control operations outside the national boundaries of the United Kingdom. The recent deployments to Iraq and Afghanistan have caused the traditional British approach of minimal force in crowd control operations to be pressurized by a desire for a more rapid and direct solution to crowd control operations.

This paper provides a study of how the British directed policy of minimal force in crowd control operations evolved from the incident at the Jallianwala Bagh in Amritsar in 1919. Here, British Indian troops under the command of General Sir Reginald Dyer opened fire on a protesting Indian crowd killing hundreds. The incident has been attributed with providing the spark that led to Indian Independence and the fall of the British Liberal Party. The main lessons learned from the Amritsar massacre in 1919, use of minimal force, good civil military relations, and a requirement for clear legal guidance governing the employment of troops, have shaped current British military crowd control doctrine. This paper demonstrates how the current British doctrine is directly linked to the events at the Jallianwala Bagh and provides a case study proving the importance of minimal force, good civil military relations and clear legal guidance that should not be forgotten in current operations.

The findings of the paper have been justified by examining the highly emotive and biased writings on the subject, drawing a logical sequence of events of the riot and then comparing the incidents after effects to the clear direction in current British Army doctrine. These findings demonstrate a direct linkage to the events in Jallianwala Bagh in current British doctrine for the use of troops in crowd control operations.

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## INTRODUCTION

*“It is probably true that riot service is the most distasteful duty which soldiers are called upon to perform.”<sup>1</sup>*

The employment of the military on public order operations to control the civilian population is nothing new; it has been a requirement of the military to support the national government in the quelling of internal public disorder since the founding of the first militias. Early Byzantine accounts tell of the employment of General Belisarius and the army in 532 AD at the direction of Emperor Justinian to quell rioting. Unused to the requirements of civil urban control, Belisarius’ troops massacred some 30,000 citizens who had occupied Constantinople’s Hippodrome, making this the bloodiest use of troops in riot control in history.<sup>2</sup> This use of the standing military for civil effect, influencing the civil population by the employment of troops, has remained a choice for the majority of national governments throughout history. This was codified by the Riot Act within English law in the 18<sup>th</sup> Century generating the term “Reading the Riot Act” or being “read the Riot Act.”<sup>3</sup> The Riot Act provided legal basis within the United Kingdom for the deployment of troops to quell civil disturbances, an event that occurred with increasing regularity due to the changes brought on by the various cultural revolutions in the coming centuries.<sup>4</sup> Since the 18<sup>th</sup> Century many governments have resorted to the use of troops to control the population when normal societal control has broken down. Example incidents include the infamous 1831 Queens Square massacre where British Dragoons charged a rioting crowd with drawn sabers, to the use of the military in the United States during the turbulent race riots in the 1960’s.<sup>5</sup>

Not only will the military be required to support the government in domestic civil control, the challenges of the contemporary operating environment creates a high probability that military personnel

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<sup>1</sup> John Bagar, *Laws and Customs for Riot Control* (New York: Columbia, 1907), 1.

<sup>2</sup> James Evans, *The Age of Justinian: The Circumstances of Imperial Power* (London: Routledge, 2000), 121.

<sup>3</sup> <http://reactor-core.org/riot-act.htm>, Full text of the 1714 English Riot Act Law (accessed 25 March 25, 2009)

<sup>4</sup> Such as the agricultural and industrial revolutions.

<sup>5</sup> Philip D Jones, *The Bristol Bridge Riot and Its Antecedents: Eighteenth-Century Perception of the Crowd* (London: The Journal of British Studies **19** (2), 1980), 74–92.

will continue to be required to conduct public order operations while deployed overseas. Whether deployed on peace support (PSO), counter insurgency (COIN), war fighting, or national evacuation operations (NEO), the requirement for the military to control the civilian population, both foreign and domestic, will endure and the traditional British military approach, the application of minimal force, will constantly be under pressure.

The British approach to public order and internal security operations are often described as using a policy of application of minimal force. Richard Cousens, the former director of the Strategic Studies Institute describes the characteristics of the British approach: “Actions within the rule of law, the importance of consent and the application of a proportionate use of force all now constitute the bedrock of the British approach to peacekeeping.”<sup>6</sup> This particularly British approach to operations, as compared to U.S. or French methods, was formed and tested in the withdrawal from Empire and in the more recent counter insurgency campaigns in the 21<sup>st</sup> Century. This combination of consent and rule of law evolved from the events that took place in the city of Amritsar in the Punjab in 1919 and have dominated British military policy and culture ever since.

The riot and aftermath of the incident in Amritsar, April 10 -15 1919, had a profound effect on the British establishment and military doctrine. While many current British military and civil officials will not remember either the name or the incident at Amritsar, the collective national revulsion at the time ensured that the legacy of the application of minimal force is as strong today as it was in the immediate years after the incident. The incident at Amritsar is known by several names: in the UK it is called the Amritsar Riots, while in India it is known as the Massacre at Jallianwala Bagh.<sup>7</sup> Winston Churchill, commenting at the time of the incident stated “an episode without precedent or parallel in the modern history of the British Empire. It is an extraordinary event, a monstrous event, an event which stands in

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<sup>6</sup> Rachel Utley, *Major Powers and Peacekeeping* (Aldershot: Ashgate Publishing, 2006), 50.

<sup>7</sup> The translated spelling of the gardens from Hindi has a number of variations, Jallianwala Bagh, Jallianwallabagh, Jallianwala Bagh and Jallianwala Bagh. For the purposes of this paper, the latter, Jallianwala Bagh will be used throughout.

singular and sinister isolation.”<sup>8</sup> Richard Cousens, the former Director of the defence studies program for the British Army stated “The legacy of Amritsar is a powerful one and has influenced the British approach ever since.”<sup>9</sup> The controversy over the events that occurred in 1919 has not diminished with time. Modern portrayals of the events are represented in the Hollywood movie Gandhi and in numerous Indian Bollywood productions. The treatment of the massacre in popular culture represents the strength of its legacy.

Expeditionary public order operations differ in respect to the employment of the military within national boundaries. When the army is deployed to control or pre-empt domestic civil unrest, these operations are in support of the police who hold full judiciary powers and are therefore enabled to conduct the normal rule of law after the riot has been completed.<sup>10</sup> Deployment in support of the domestic police provides judicial, investigative, and legal support. This ensures legitimacy and most importantly, a short term aspect to the deployment. When the military conducts expeditionary operations, whether in control of a foreign nation, acting as a broker of peace, or conducting NEO operations, the background framework present in domestic operations does not exist. Commanders on the ground assume responsibility for law and order functions but must find a methodology that permits the use of troops in controlling civil populations effectively. Military theorist General Frank Kitson in his seminal book *Low Intensity Operations*, declares that “civil disorder is one of the recognized phases in the development of insurgency in an urban area,” given his significant experience in Kenya, Cyprus and Northern Ireland, perhaps the modern practitioner should take note.<sup>11</sup> The British commander General Reginald Dyer’s experiences at the Amritsar massacre in the Punjab provide an example of the actions and after effects of a military commander who acts in a legal ‘No Man’s Land’ when involved in civil control operations. His experiences in the years of investigations after the Amritsar have shaped the

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<sup>8</sup> Susan Fein, *Imperial Crime and Punishment* (Honolulu: The University Press of Hawaii, 1977), 23.

<sup>9</sup> Utley, 50.

<sup>10</sup> Such as the deployment of the Minnesota National Guard as Joint Task Force – Republican National Convention, to the US Republican Party Convention in 2008, or to support an overstretched Police force as in Calcutta and Bombay in 2007.

<sup>11</sup> Frank Kitson, *Low Intensity Operations* (Harrisburg Pa: Stackpole Books, 1971), 82.



military approach to civil control operations, including British commanders demanding a robust legal framework prior to the military conducting operations. The requirements of utilizing the application of minimal force in the Contemporary operating environment remain valid; however, as Edmund Burke (1729-1797) said “those who cannot remember history are condemned to repeat it.”<sup>12</sup>

The main lessons learned from the Amritsar massacre in 1919, use of minimal force, good civil military relations, and a requirement for clear legal guidance governing the employment of troops, have shaped current British military crowd control doctrine.

This monograph will be structured by examining the events of the massacre, then describe the short term after effects on British society in the 1920's. The long term effect of the Amritsar massacre on the British Army will be identified by examining the legal, civil military and minimal force traditions that are embodied in the current force by linking current policies and doctrine to the events in April 1919. The Thesis is supported by examining: How did legal issues affect the deployment of troops on Public order operations following Amritsar? How were Civil Military Relations changed by the Amritsar massacre? How did minimal force evolve into a stated policy following the Amritsar massacre?

Examining the history of the Amritsar massacre is problematic. The events of April 1919 in the Punjab have become emotive symbols. During the immediate aftermath of the riots, investigations and accusations contained highly charged emotion both in pursuit of Indian nationalism and to fuel the debate of continued British Imperial rule in the United Kingdom. With such an emotive issue, many historical accounts of the events were tangled with ideological and political messages. Many of the contemporary accounts, and even primary investigations of the incident, are therefore tainted by bias. A number of sources examining the incident will be used; these can be divided by the degree of bias inherent in the writings of the authors. They are broadly divided into works that are biased towards General Dyer's

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<sup>12</sup> Edmund Burke quotation found at: [http://thinkexist.com/quotation/those\\_who\\_don-t\\_know\\_history\\_are\\_destined\\_to/346796.html](http://thinkexist.com/quotation/those_who_don-t_know_history_are_destined_to/346796.html) (accessed 28 Aug 09)

actions and the establishment; biased toward Indian Independence and Nationalism, and finally, the more modern writings which attempt to take a balanced view of the subject.

The main sources of information that favors the establishment offer accounts that express regret at the deaths, increase the level of violence by the natives, and emphasis the effect for the greater good of Dyer's actions. The necessary evil approach, described by Dyer as "I shall be cashiered for this probably, but I have got to do it," dominates the narrative of the Dyer biased accounts.<sup>13</sup> The accounts that will be used in this monograph will be draw from General Dyer's personal response to the Hunter Committee in 1920, General Dyer's biography by Ian Colvin, *The Life of General Dyer*, published in 1929, and General Sir Charles Gwynn's book, *Imperial Policing*, published in 1934.

The Indian Nationalist accounts are dominated by the particular peculiarities of the event. They often play down the preceding events to the massacre. These shaping events led to the British reaction and are often ignored. The major source of Indian accounts used is that of Dr Helen Fein's *Imperial Crime and Punishment*. This is reinforced by numerous contemporary Indian sources, including the collection of monographs edited by Vishwa Nath Datta of the Indian Historical Council, and Amir Kumar Gupta's Monograph "Defying Death: Nationalist revolutionism in India, 1897-1938."

The most balanced views of the events are those published most recently. The best accounts are drawn from Tim Coates' book, *The Amritsar Massacre*. Coates offers a collection of both the Hunter Committee Investigation reports into the massacre, and General Dyer's response to the committee. It contains unedited and unbiased access to the views of the initial investigation by a decidedly hostile civil committee and General Dyer's personal views of both the incident and his treatment by the authorities after the incident. Nigel Collett's recent book, *The Butcher of Amritsar*, also offers a balanced and open view by an admittedly 'Indianphil' ex British Gurkha officer. Additionally, the balanced viewpoint is

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<sup>13</sup> Nigel Collett, *The Butcher of Amritsar* (London, Continuum Publishing, 2007), 257.

supported by a number of monographs, including Richard Cousens work titled “Amritsar to Basra,” and Derek Sayers’ “British Reaction to the Amritsar Massacre.”

The evolution of the British policy of military force is examined by using a number of contemporary sources. These are mainly drawn from three key pieces of work. These are: Thomas Mockaitis *The British Experience in Counter Insurgency 1919-1960*, Ian Becket’s *Modern Counter Insurgency*, and finally Robert Cassidy’s *Peace Keeping in the Abyss*. Current British military doctrine and policies will be justified by using unclassified sources including: Army Field Manual part 1 volume 10, Counter Insurgency, various Joint Services Publications (JSP), and directives on the employment of troops in public order duties such as the Army Physical Training Corps manual of Public Safety and Public order.

## THE AMRITSAR RIOT

In 1919 India, Pakistan and Bangladesh were all still part of Greater British India. Mr. Mohandas ‘Mahatma’ Gandhi’s Indian National Congress party independence movement was beginning to grow in power, and extreme nationalism was attracting considerable support. Britain, following the end of the First World War, was conducting a major counter insurgency campaign in Ireland, dealing with insurgency in Egypt, preparing for another war in Afghanistan, and seeking to avoid further disturbances across the Empire. India itself had always been a country where British interests had been high, and accordingly, where subversion by foreign powers to disrupt British control were focused. In 1857 the horrific events of the Indian Mutiny occurred, where Hindus and Muslims rebelled against British rule, resulted in widespread disorder, thousands of deaths and the complete reordering of Indian and British society.<sup>14</sup> These events left a collective scar on the British Indian psyche, resulting in the paradigm of ‘never again’ when viewing discontent, disorder, and rebellion.<sup>15</sup>

General Gwynn in *Imperial Policing* describes the background atmospherics: “the beginning of 1919 found India in a condition of acute unrest. Hindus, Moslems and Sikhs were united to an unusual extent in their hostility to Government. The doctrine of self determination, the future of the remains of the Ottoman Empire, the new government of India Act and other subjects served to encourage political feeling and expectation of great change; while other consequences of the war, such as the rising cost of living and wartime restrictions caused discontent. The conditions were favorable for agitation.”<sup>16</sup> In order to contain the unrest across the country, the British Indian authorities enacted two key pieces of legislation. In response to German and Turkish efforts at subversion, the 1915 wartime Defence of India Act was placed on the statutes, providing the civil and security agencies stronger powers in dealing with insurgency and unrest. Due to increased violence in Bengal, specifically assassinations, bombings and

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<sup>14</sup> David Saul’s *The Indian Mutiny: 1857* (London: Penguin, 2003) provides a full account of the Indian Mutiny and its after effects.

<sup>15</sup> British Indians are those individuals ethnically British and Anglo-Indian’s born or living in India.

<sup>16</sup> Sir Charles Gwynn, *Imperial Policing* (London: MacMillan, 1934), 34.

increased burglary, the British Indian Government believed something more had to be done.<sup>17</sup> In 1919 these wartime powers were continued in peacetime under the Rowlatt Act, much to the concern of Indian nationalists. Mr. Gandhi began his 'Satyagraha' or civil disobedience campaign in response to the Act and widespread unrest resulted.

Within the context of the growing unrest in India as a whole, the city of Amritsar was known as a location where discontent was particularly rife. Amritsar is the major city within the Punjab region of India; in 1919 it was described as "a city of 150,000 people, and a countryside densely populated with a people of an inflammable nature."<sup>18</sup> Amritsar is home to Hindus, Sikhs and Muslims, with the Golden Temple, the holiest site for Sikhs, at its center. Amritsar was at the forefront of disobedience against British rule and possessing an All Indian Congress Committee since 1917. Additionally, it had been selected as the location of the All India Congress in December 1919.<sup>19</sup> In March 1919, Mr. Mohandas 'Mahatma' Gandhi, by now the defined leader of the Indian Independence movement, called on the people of India to begin '*Hartal*', something close to a general workers strike. The first of these was held March 30 1919, reinforced by a second on April 6 1919. The *Hartals* in Amritsar organized by Doctor Saifudin Kitchlew and Doctor Satyapal proved particularly effective.<sup>20</sup> The British Deputy Commissioner in Amritsar, Mr. Miles Irving, stated to the Hunter Commission investigating the later incidents at Amritsar, "I was much perturbed by the proof, afforded by the second *Hartal*, of the power and influence of Drs Kitchlew and Satyapal."<sup>21</sup> Although the second *Hartal* passed without violent incident in Amritsar, posters began to appear urging the people of Amritsar to "die and kill."<sup>22</sup>

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<sup>17</sup>Helen Fein, *Imperial Crime and Punishment* (Honolulu: The University Press of Hawaii, 1977), 25.

<sup>18</sup>Tim Coates ed., *The Amritsar Massacre* (London: HMSO, 2001), 104.

<sup>19</sup>*Ibid*, 5.

<sup>20</sup> Dr Satyapal first name has not survived and is described in sources as Satya Pal and Satyapal. Satyapal will be used for the purposes of this monograph.

<sup>21</sup>*Ibid*, 7.

<sup>22</sup> Coates, 7.

Irving decided to seek reinforcement and advice from the Punjab government and wrote a letter requesting military support stating “As it is, we must abandon nine tenths of the city to a riot.”<sup>23</sup> Irving’s decision to ask for support and advice had been influenced by the fact that his personal relationships with the traditional leaders of the independence movement in Amritsar had been nullified by their being supplanted by Drs Kitchlew and Satyapal. These older leaders had recommended against the Hartal apparently “alarmed by riots which had occurred in Delhi.”<sup>24</sup> Irving viewed this as the moderate leaders of the Amritsar nationalists losing control and that the new radical leaders looked on the Hartals as “a mere step to test their influence and organization with a view to more extreme methods.”<sup>25</sup> Additionally, Mr. Irving had concerns over Dr Kitchlew, stating to the Hunter Commission “I was wrong in thinking I could influence Dr Kitchlew, he was too deep in” and more sinisterly, “Kitchlew himself I regard as the local agent of very much bigger men.”<sup>26</sup> Irving decided that there was no hope of restraining Dr Kitchlew by personal communication. It was against this backdrop that the Lieutenant-Governor of the Punjab, Sir Michael O’Dwyer, decided to adopt a “muscular approach to the problem”, utilizing “Fist force” to counter the “soul force of the nationalists.”<sup>27</sup>

To compound the growing situation in Amritsar, Gandhi declared his intention to travel to the Punjab, breaching a British restraining order. This resulted in his arrest on April 9, 1919. To further add ‘fuel to the fire’, April 9, 1919 was when the Hindi holy festival of *Ram Naumi* Day was held. Large numbers of Amritsar’s Muslim community unusually joined the procession, with political cries of “*Mahatma Gandhi ki Jai!*” General Gwynn commented, “under normal conditions Muslims take no part, other than hostile, in the festival.”<sup>28</sup> As a result, O’Dwyer ordered the arrest and deportation of Drs Kitchlew and Satyapal to Dharamsala. The arrests were carried out under the Defence of India Act on the morning of 10 April 1919.

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<sup>23</sup> Coates, 7.

<sup>24</sup> Gwynn, 39.

<sup>25</sup> Ibid.

<sup>26</sup> Coates, 7.

<sup>27</sup> Utley, 49.

<sup>28</sup> Gwynn, 40.

## Build Up to the Riot

The arrests of Dr Kitchlew and Satyapal were conducted by the Deputy Commissioner, Mr. Miles Irving and the local military commander, a Captain Massey, through subterfuge at 1000 hours on the morning of April 10, 1919. Kitchlew and Satyapal were invited for an interview with Irving, arrested, and then quickly transported out of the city by car in an attempt to alleviate any tensions over the arrest. In order to ensure that no rescue attempts were made, the local security forces of police and Army were deployed in accordance with the existing internal security plan. British and Indian government forces at the time of the arrests amounted to 180 British Infantry (Somerset Light Infantry), approximately 50 mounted Royal Field Artillery (RFA), 100 unarmed Indian Police, and 75 armed Indian Police Reserves.<sup>29</sup> The Internal security plan called for provision of security to the European cantonment, outside of the city known as the ‘civil lines’, and to the military fort only, leaving the inhabitants of the city to the local police.

When news of the arrests reached the Amritsar population at 1130 hours, coupled with the news of Gandhi’s arrest, a large crowd approached the Hall Bridge in an attempt to meet with Irving. At the Hunter Commission, an Indian Criminal Investigations Division Inspector testified that he had been at the back of the crowd and there were chants of, “Where is the Deputy Commissioner? We will butcher him to pieces.”<sup>30</sup> This crowd was met at the bridge by a small mounted picket and stopped. The mounted picket was joined by Mr. Beckett, an assistant commissioner, who, acting as a magistrate, explained to the crowd that it would not be permitted to pass. This attempt at reason by Beckett, assisted by a number of moderate lawyers within the crowd, failed and the crowd pressure allowed the crowd to gain the bridge approaches and piles of road building stones. These stones were used as projectiles, forcing the small picket to withdraw.

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<sup>29</sup> Gwynn, 42.

<sup>30</sup> Coates, 16.

At this stage Irving arrived to take charge of the incident. He sent for reinforcements and ordered that the crowds were to be kept out of the European section and south of the city. Irving departed to gain reinforcements and under pressure from the crowd, Assistant Commissioner Connor ordered the picket to fire on the crowd. Two British soldiers fired 3 or four shots each, injuring or killing members of the crowd. The crowd did not disperse, and by 1300 hours it had grown in size to approximately 30,000 rioters and armed with *lathis*.<sup>31</sup> At 1400 hours the crowd attempted to rush the Hall Bridge, Mr. Plomer, Deputy Superintendent of Police, issued numerous verbal warnings which were ignored. The newly arrived Somerset Light Infantry then fired into the crowd and caused approximately 20 casualties.<sup>32</sup>

While the riot at the Hall Bridge was occurring, the city of Amritsar had, as predicted by Irving, been left to the rioters. Except for 75 armed Indian Police reservist in the Kotwali area of the city, there was a complete lack of security force presence. As a result, the rioting crowd attacked all appearances of government infrastructure; burning Post Offices, telegraph offices, banks, and Christian missionary schools. Hospitals were attacked in search of European doctors and three British bank managers were murdered in their offices and then had their bodies stripped and burnt in the street. Two British Railway officials were murdered in the railway yards, and a British female missionary, Miss Marcella Sherwood, was attacked and left for dead. The count of European dead would have been significantly higher but for the efforts of Indian moderates and loyal Indians in hiding Europeans from the crowd's anger. By this stage, communications with the outside world were threatened as the telegraphs had been destroyed and the crowds were firing on trains that came through the city. The armed Indian Police reserves had notably not left the safety of the Police station at the Kotwali.

By the evening of April 10, a Major Macdonald arrived with 125 British and 175 Baluch Infantry to assist in quelling the disorder. Macdonald was told by Irving that "the situation was beyond civil control, and that he, as senior Military Officer, was to take such steps as the military situation

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<sup>31</sup> A *lathi* is an Indian fighting stick, approximately 2.4 ms long, with a metal tip.

<sup>32</sup> Gwynn, 42.



demanded.”<sup>33</sup> By the next morning, April 11, 600 British and Indian troops had arrived in Amritsar.

Except for a single incursion of 100 Gurkhas into the Kotwali to extract remaining Europeans, the troops remained outside the city. Rumors had begun to circulate in both the British Fort and among the Indian rioters at Amritsar, of riots in Lahore and the mutiny of Indian Army units. Using the channel of negotiations for burial of people killed in the riots a proclamation was issued to the city by Irving stating:

The troops have orders to restore order in Amritsar and to use all force necessary. Neither gatherings of persons nor possessions of any sort will be allowed. All gatherings will be fired upon. Any persons leaving the city in groups of more than four will be fired on. Respectable persons should keep indoors<sup>34</sup>

April 11 remained quiet and that evening, Brigadier General R. E. H. Dyer, CB, commander of the Jullunder Brigade, arrived at Amritsar and assumed command from Maj MacDonald. Dyer, whose personality will be called into question, is the key to the events that unfolded in the next forty eight hours.

## **The Riot**

April 12 saw British forces under General Dyer conduct arrest operations within Amritsar. These, combined with a demonstration of force by a large body of troops that circumvented the city, ensured that control was re established. Sporadic incidents occurred throughout the day and tensions remained high. By this stage, the British authorities were convinced that they had been involved in a planned widespread conspiracy. General Dyer, in his defence to the Hunter Commission, wrote, “That in law and in fact I was confronted not with a riot, but with open rebellion.”<sup>35</sup> Dyer issued a proclamation to the city banning meetings and gatherings, and that martial law had been declared. Sabotage and individual incidents occurred through the night of April 12, 1919, confirming the British narrative that a widespread rebellion was occurring; to that end on the morning of April 13, 1919 General Dyer issued another proclamation to the people of Amritsar. This was delivered by a formed body of troops, parading through the city with drums beating to call the locals attention. The proclamation directed people to remain within their homes

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<sup>33</sup> Coates, 35.

<sup>34</sup> Ibid.

<sup>35</sup> Coates, 103.

and not to leave the city without a pass. A curfew at 2000 hours was enacted and “Any person found in the streets after 8pm are liable to be shot.” Processions were banned, and any gathering “of four men will be looked upon and treated as an unlawful assembly and dispersed by force if necessary.”<sup>36</sup> Inhabitants of the city after the riot were interviewed and reported that they viewed the proclamation as “it was all bluff, that the General would not fire, and not to be afraid.”<sup>37</sup> Riot leaders issued a counter proclamation announcing a meeting to be held at the Jallianwala Bagh gardens within the city.

April 13 was the Sikh religious festival of Baisakhi, and traditionally large crowds gathered within the gardens to celebrate. The Jallianwala Bagh, although described as a garden was in fact an eight acre walled piece of waste ground adjacent to the Sikh religious Golden Temple and accessed by a narrow entrance. The grounds of the garden itself lay within a depression and provided a raised entrance dominating the grounds. The narrow alleyway was the only major entrance and exit to the Gardens, with the majority of the area being walled by houses and side of the golden temple, creating in effect a large “Cul de sac.”

At 1240 hours on the April 13 General Dyer was informed that a counter demonstration to his proclamation was occurring. In his letter to the Secretary of War following the Hunter Commission findings, General Dyer stated that he believed

that I know that the final crisis had come, and that the assembly was primarily of the same mobs which had murdered and looted and burnt three days previously, and showed their truculence and contempt of the troops during the intervening days, that it was a deliberate challenge to the Government forces, and that if it were not dispersed, and dispersed effectively, with sufficient impression upon the designs and arrogance of the rebels and their followers we should be overwhelmed.<sup>38</sup>

Dyer also believed the scale of the problem was large, stating: “I had to reckon upon the possibility of the irruption that night of some 30,000 Majha Sikh looters if the whole movement was not decisively

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<sup>36</sup> Gwynn, 50.

<sup>37</sup> Ibid.

<sup>38</sup> Coates, 108.

checked.”<sup>39</sup> British forces within Amritsar had been reinforced to number 475 British military and 710 Indian Army personnel, many of whom had been in transit to training establishment and were classed as “partially trained” by the Hunter Committee.<sup>40</sup> The reaction within the British establishment to the news of the crowd was explosive: “the British response was furious, even hysterical. One British Surgeon suggested bombing the crowd from the air.”<sup>41</sup> General Dyer made the decision to break up the gathering using force, and was mindful of the direction provided to him. The Lieutenant Governor, Sir Michael O’Dwyer, noted in his personal diary that his instructions from the British government in Lahore were “if troops were to be used an example must be set.” Dyer met personally with O’Dwyer prior to being sent to Amritsar to deal with the ‘uprising’ and the personal conversation between the two men was recounted for the Hunter Committee investigation. O’Dwyer directed that Dyer was to “teach Indians the lesson that revolution was a costly game”<sup>42</sup> and he ensured that Dyer understood the higher intent from Lahore.<sup>43</sup>

Following confirmation of the meeting by the use of a reconnaissance aircraft, Dyer made the decision that he would suppress the meeting using force and gather a body of soldiers in order to disperse the crowd at the Jallianwala Bagh. He conducted a deliberate plan to deal with the gathering consisting of a ‘Special Force’ to deal with the actual meeting, and a piquet force designed to control the city while he dealt with the Jallianwala Bagh. The special force was made up of two armored cars equipped with machine guns, 25 Gurkhas from 1/9<sup>th</sup> Gurkhas armed with rifles, 25 British Indian Baluch soldiers from 54<sup>th</sup> Sikhs and 59<sup>th</sup> Scinde Rifles (Frontier Force) armed with rifles, and a further 40 Gurkhas armed with *Kukris*.<sup>44</sup> The force proceeded to the Jallianwala Bagh. The composition of the ‘Special Force’ reinforces the deliberate nature of Dyer’s planning and his background cultural knowledge of India. Collett, in *The Butcher of Amritsar* describes it as “Significant” that the force did not consist of all troops that were

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<sup>39</sup> Coates, 108.

<sup>40</sup> Ibid.

<sup>41</sup> Geoffrey Regan, *The Guinness Book of Military Blunders* (Enfield: Guinness, 1991), 79.

<sup>42</sup> Terence Blackburn, *A Miscellany of Mutinies and Massacres in India* (London: APH Publishing, 2007), 170.

<sup>43</sup> Utley, 49.

<sup>44</sup> A Kukri is a large traditional war blade used by Gurkha troops.

available.<sup>45</sup> The more experience British Infantry and the Indian troops of the 2<sup>nd</sup>/151<sup>st</sup> Regiment were deliberately not utilized. The Baluchs and Gurkhas were from the fringes of India and were considered ‘warrior races.’<sup>46</sup> They had become the favored British Indian Army troops following the mutiny in 1857. Collett described the special force: “Gurkhas were from the independent Kingdom of Nepal and had little love of Indians”, the Baluchs were actually Pathans<sup>47</sup> in British service, and “neither would have had much compunction about shooting Punjabi civilians.”<sup>48</sup> Dyer was making a public relations statement that “his troops were loyal natives while ensuring the task he gave them was carried out.”<sup>49</sup> Dyer also considered the command structure of the ‘Special Force’ electing to command it himself. This was unusual given his rank and became a cause of intense discussion following the incident. Captain FCC Briggs D.S.O, Dyers Brigade Major, recounted the decision to another officer following the incident stating “General Dyer had no intention of saddling a subordinate with what he knew might be a difficult and hateful assignment.”<sup>50</sup> The Company commanders were surprised at the decision and Dyer was recorded as responding by stating “If there is anything to be done, I’ll do it alone.”<sup>51</sup> Collett argues that this decision of Dyer’s ensured “that there would be no officers present who might balk at his plans. His choice of both troops and commanders argues for the deliberate nature of what was to follow.”<sup>52</sup>

The Hunter committee concluded: “It appears that General Dyer, as soon as he heard about the contemplated meeting, made up his mind to go there with troops and fire.”<sup>53</sup> On arrival at the gardens the narrow entrance prevented the entry of the armored cars forcing them to remain outside. Dyer and his special party entered the gardens and discovered a crowd of people estimated by General Dyer to be

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<sup>45</sup> Collett, *The Butcher of Amritsar* (London: Continuum Publishing, 2007), 256.

<sup>46</sup> The East India Company Army that mutinied in 1857 was primarily recruited from Bengali Warrior Caste backgrounds. Sikh, Baluch and Gurkha troops, referred to as ‘warrior races’ remained loyal to the British crown and subsequently the number of units recruited from these peoples was significantly expanded.

<sup>47</sup> Pathans was the British Indian name for ethnic Pashtun tribesmen.

<sup>48</sup> Collett, 256.

<sup>49</sup> Collett, 256.

<sup>50</sup> Collett, 257.

<sup>51</sup> Collett, 256.

<sup>52</sup> Collett, 257.

<sup>53</sup> Coates, 63.

approximately 6000 in strength; later estimates were to revise this to between 15,000 and 20,000 people. The Hunter committee summarized that “when he reached there, he saw a large meeting of people squatting on the ground and being addressed by a person from a small platform.”<sup>54</sup> In Dyer’s testimony he describes the situation differently. He describes finding “a large meeting being addressed by a speaker engaged in violent exhortation” and that “there were no women and children in the meeting, and its appearance confirmed the reports I had received as to its character.”<sup>55</sup> The two perspectives conflict, but children were present in the gardens as they were to be found amongst the casualties.

General Dyer deployed his men in two firing parties either side of the main entrance, Gurkhas to the right and Baluchs to the left. The crowd in the Jallianwala Bagh was sitting in silence listening to a number of speakers, Brij Gopinath, a clerk who had guided a mob to kill his British manager in the previous day’s riots had just concluded, and the next speaker, Pandit Durga Dass had begun to move for a resolution to condemn the Rowlatt Acts. The people in the crowd upon the arrival of the troops, some of whom were only nine yards from the crowd, became nervous. Collett describes the scene: “Seeing the soldiers, many in the crowd took fright, but Dass and one of the meetings organizers Hans Raj, shouted out that the British would not fire, and that if they did the bullets would be blanks.”<sup>56</sup> The Gurkhas and Baluchs lined in file and upon Dyers verbal command began to execute his direct orders and fire into the crowd. The Hunter committee described Dyer’s actions:

He put 25 Baluchis and 25 Gurkhas on the raised ground at the entrance, and without giving any warning or asking the people to disperse, immediately opened fire at the people, who were at a distance of 100 to 150 yards. The people, as soon as the first shots were fired, began to run a way through the few exits the place has got, but General Dyer continued firing till the ammunition ran short.<sup>57</sup>

In General Dyer’s report to his Divisional Commander at 16<sup>th</sup> Division he described the scene:

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<sup>54</sup> Coates, 63.

<sup>55</sup> Coates, 109.

<sup>56</sup> Collett, 257.

<sup>57</sup> Coates, 63.

I fired and continued to fire till the crowd dispersed, and I considered that this is the least amount of firing which would produce the necessary moral and widespread effect it was my duty to produce if I was to justify my action. If more troops had been at hand the casualties would have been greater in proportion. It was no longer a question of merely dispersing the crowd, but one of producing sufficient moral effect, from a military point of view, not only on those who were present, but more specifically throughout the Punjab.<sup>58</sup>

Pandemonium broke out, with the crowd running in all directions in order to escape the gardens.

Sgt Anderson, Dyer's British bodyguard describes the crowd's reaction as "the whole crowd seemed to sink to the ground, a flutter of white garments with however a spreading towards the main gateway, and some individuals could be seen climbing the high wall."<sup>59</sup> Casualties were increased by a number of people attempting to find cover in the main well present within the gardens. Over 100 bodies were eventually recovered from people who had been killed by the crush of people landing inside the well.<sup>60</sup> Maulvi Gholam Jilani was present in the gardens and describes his experience "I ran towards a wall and fell on a mass of dead and wounded persons. Many others fell on me. Many of those who fell on me were hit and died. There was a heap of the dead and wounded over me, under me, and all around me."<sup>61</sup>

Dyer personally directed the fire of the Gurkhas and Baluch troops, ordering them to fire on groups of people within the gardens. Individuals climbing out of the walls, groups of people in corners, men who attempted to gather to rush the troops, were all engaged by the Rifle fire of Dyers contingent. Dyer ordered the troops to reload after initial volleys and then permitted independent firing. Dyer permitted the firing to continue for 15 minutes until he believed he achieved his "moral effect" and that ammunition levels reached a stage critical enough that if attacked on the extraction, the force would be able to defend itself. Girdhari Lal watched the shooting through binoculars from a nearby rooftop described "There was not a corner left of the garden facing the firing line, where people did not die in large numbers. Many got trampled under the feet of the rushing crowds and thus lost their lives. Blood

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<sup>58</sup> Coates, 64.

<sup>59</sup> Collett, 257.

<sup>60</sup> Blackburn, 172.

<sup>61</sup> Collett, 261.

was pouring in profusion.”<sup>62</sup> Upon completion of the firing, Dyer ordered his troops to withdraw.

Adding to the controversy no attempt was made to assist the wounded in any way. Dyers questioning and answers in evidence by the investigation of the Hunter Committee is revealing:

Q. After the firing had taken place did you take any measures for the relief of the wounded?

A. No, certainly not. It was not my job. But the hospitals were open and the medical officers were there. The wounded only had to apply for help. But they did not do this because they themselves would be taken in custody for being in the assembly. I was ready to help them if they applied.

1650 rounds of ammunition were fired by the ‘special force’ resulting in a large number of casualties.

Estimates varied widely due to the politically charged nature of the incident, with the initial British

reports quoting 200 dead. The Hunter commission later confirmed the deaths of 337 men, 41 boys and a

six week old baby. Indian nationalist, Swami Shraddhanand wrote to Gandhi of 1500 deaths in the

incident. The number of wounded was never correctly determined, but the Hunter Committee accepted

the number wounded was “probably three times as great as the number killed”, giving a number in excess of 1000 wounded.<sup>63</sup>

Dyer returned his troops to barracks and ensured that the 2000 hours curfew remained in effect, forcing the removal of the bodies to wait until April 14, 1919. Amritsar and the surrounding area remained quiet but sporadic violence continued in the surrounding area for the remainder of the night.

During the night of April 13, 1919, Dyer composed a brief and perfunctory report to General William Beynon, his superior. It stated:

I entered the Jallianwala Bagh by a very narrow lane which necessitated leaving my armored cars behind. On entering, I saw a dense crowd estimated at about 5000; a man on a raised platform addressing the crowd and make gesticulations with his hands. I realized that my force was small and might induce attack. I immediately opened fire and

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<sup>62</sup> Collett, 261.

<sup>63</sup> Collett, 263.

dispersed the crowd. I estimate between 200 and 300 were killed. My party fired 1650 rounds. I returned to my Headquarters by 1800hrs.<sup>64</sup>

Dyer's report was later to increase the controversy over the incident, it did not contain the news that no warning was given, nor did it mention the extensive planning he conducted prior to firing on the crowd. Instead, it implied a small security force facing a large crowd that fired to prevent it being overwhelmed by an agitated crowd. General Beynon informed the Lieutenant Governor O'Dwyer of the incident and the reported circumstances, gaining a verbal approval from O'Dwyer. Beynon's reply to Dyer recorded in 16<sup>th</sup> Division War Diary read "General Officer Commanding Amritsar not to take too drastic measure now situation is in hand. Your action correct and Lieutenant Grosvenor approves."<sup>65</sup> This was a statement that was to return and haunt both General Beynon and Sir Michael O'Dwyer.

## **Fancy Punishments**

Violence continued in the area surrounding Amritsar throughout April 13-14, 1919. On the April 15, Lord Chelmsford, the Viceroy of India, at the urgings of Sir Michael O'Dwyer declared martial law throughout the Punjab. Simultaneously, Article 15 of the Police Act was enabled in the Amritsar district providing the police with wide ranging powers of arrest in times of insurgency. This provided General Dyer in Amritsar with the legal authority to reinforce his de facto control of the city following the handover of control by Commissioner Irving to Major MacDonald April 10, 1919. The attack on Miss Sherwood, the missionary women who had been left for dead by the mob on the night of April 10, had remained a point where resolution was required for the British establishment. As Dyer was now in charge of Amritsar, he determined to investigate and deal with the individuals responsible. He decided that, like the firing in the Jallianwala Bagh, a moral effect was required in punishing the perpetrators; attacks on European women by locals were viewed at the time period to be amongst the worst of crimes. To that end, Dyer had a flogging post erected on the location of the attack in Amritsar with the intention of flogging the guilty individuals. Flogging, while not unusual in India in the time period, was not usually

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<sup>64</sup> Collett, 266.

<sup>65</sup> Collett, 267.



carried out in public and definitely not on the location of the crime. Dyer posted a military and police picket at either end of the street and issued the following order which he articulated to the Hunter Committee “I then posted two British pickets, one at each end of the street, with orders to allow no Indians to pass, that if they had to pass, they must go through on all fours.”<sup>66</sup>

The pickets had orders to enforce the crawling order from 0600 hours to 2000 hours. This combined with Dyers curfew order meant that anybody needing to use the street would be required to crawl. Unfortunately, many of the houses on the 150 yard long street had no back doors, forcing the residents to crawl every time they left their houses. Additionally, a police patrol returning prisoners to the fort used the street on their march, forcing all 11 prisoners to crawl the length of the street in public view. When Sir Michael O’Dwyer discovered the crawling order, he ordered it immediately rescinded. However, the damage was done, with both the nationalists and the people of Amritsar feeling incredibly humiliated and bitter. The failure in information operations was huge, and the crawling order would be used in the Indian quest for Independence repeatedly. It increased the already highly emotive state in response to the shootings at the Jallianwala Bagh.

Among the other orders issued with martial law was an order from Dyer for all Indians to demonstrate respect to the commissioned civil and military officers of the British forces. The order was issued on April 22 and required all Indians to alight from their mode of transport, or stop what they were doing when a European Officer past by and provide Salaams in the form of the correct salute. The lawyers who were deemed the main instigators of the pro independence rioting in Amritsar did not escape punishment by General Dyer. Fifty lawyers determined to be involved in the rioting were put to work as ditch diggers to clean up the mess present in the city.

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<sup>66</sup> Coates, 84.

As Collett describes: “It was the humiliation which stuck the Indians most deeply.”<sup>67</sup> These “fancy punishments” as they were later described ensured that the incident was to remain highly emotive in the collective consciousness for many years to come. The after effects of both the riot and the “fancy punishments” were to lead to changes in both British culture and Indian perceptions toward the British right to rule in India.

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<sup>67</sup> Collett, 283.

## **SHORT TERM AFTER EFFECTS**

The short term effects of the riot can be examined in two categories: that of the British reaction; and then that of the Indian reaction. Both reactions were to lead to significant and highly public events that were to have major effects on the way both Imperial rule and Indian resistance was to be conducted. The British reaction to the massacre was varied. Within military circles and among the British resident in India, General Dyer's actions were not only correct but necessary to ensure the greater security of both the Indian people and the Empire as a whole. Within the United Kingdom itself, the actions of the General Dyer led to widespread public condemnation of the methods used and concern that similar methods would be employed in the homeland. It is worth noting that by the middle of 1919 Ireland was once again in widespread revolt, and a renewed IRA campaign forced the deployment of major British troop numbers to the region. Unlike India, the people of Ireland were citizens of the United Kingdom, with representatives sitting within the Parliament at Westminster. The actions of General Dyer forced a national debate on the Government, Empire, and how the British establishment would approach discontent within both the colonies and the homeland.

### **British Reactions**

The British reactions varied to the events in the Jallianwala Bagh. The brief official reports of both General Dyer and Governor O'Dwyer were processed through the respective chains of command without any significant comment. At this time the Government of India was engaged in fighting the Third Afghan War, dealing with unrest in India, and politically contending with the growing influence of Gandhi's India National Congress. This distraction was to cause the reports to be scanned and then passed upward without debate, questioning of the paucity of information, or any specific urgency. Additionally, the Third Afghan War offered General Dyer an opportunity for him to demonstrate his military talents. Dyer was sent by the Army to raise a Brigade of Sikhs for service in the Afghan War. This he achieved with great success, with the local Sikh elders being greatly impressed by both his

cultural sensitivity and language skills. Dyer then employed the Brigade he raised in the Afghan war, being hailed as the savior of the British forces who were surrounded in Thal. Dyer was recommended the award as a Commander of the British Empire (CBE), an awarded he never received as events from Amritsar caught up with him. None the less his service in the Afghan war was outstanding and caused the Viceroy to write to the King Emperor, George V, “General Dyer at the outset of the last Afghan War commanded a column for the relief of Thal with great distinction.”<sup>68</sup>

After Dyer’s departure for the Afghan war, Amritsar remained under martial law. News of the events in the Jallianwala Bagh began to leak out into India, but it was not until the rescinding of martial law June 9, 1919, that the incident exploded onto the political scene. The official accounts of the events were processed within the existing bureaucracy, with Dyers and Irvine’s accounts of the shootings being taken at face value with little or no questioning. The official position of the Government of India was that the shootings were required to suppress a new ‘mutiny’ in the Punjab. As discussed in the previous chapter, neither report mentioned that General Dyer opened fire without issuing warnings to the crowd, or that he had not issued medical assistance to the wounded.

Initially, the reports of the shootings were overshadowed by General Dyer’s crawling order in punishment of the assault on Miss Sherwood. Within India, two distinct sets of print media existed; one for the Europeans in India, and one for the native Indians. The Indian press, upon learning of the crawling order, ran front page editorials calling for investigation in to the incident. This caused significant political debate and reached London before the news that Dyer had both opened fire without warning and that he left the wounded to their own devices following the shootings. Dyer’s official line that he opened fire only to prevent himself from being overwhelmed was presented at the time as the official position on the incident.

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<sup>68</sup> P.N. Chopra, ed., *Secret Papers from the British Royal Archives* (Delhi: Konark Publishing, 1998), 197.

With letters from India to London taking roughly a month to arrive, Sir Edwin Montagu, Secretary of State for India in London, learned of the crawling order on June 8, 1919. Sir Edwin, a reformer within the Liberal-Conservative coalition government, had been the author of the Montagu-Chelmsford Reform Acts which had led to the 1919 Government of India Act. These Acts were designed to ensure Indian participation in a peaceful transition of the Indian Raj to Dominion status within the British Empire. Canada, Australia and New Zealand were all by this stage progressing towards full Dominion status, and Montagu envisioned the same for India as reward for service in the First World War. Montagu received the information of Dyer's crawling order with concern and immediately telegraphed the Viceroy in India:

Dyer's judgment and temper have in my opinion proved so unreliable that I am of the opinion that he cannot be fit to retain command. I consider in fact it very undesirable that he should continue in the Army of India. Unless the military authority has something to urge on his behalf beyond his previous excellent record of which I am not aware, I think you should relieve him of command and send him to England.<sup>69</sup>

This was to be the opening salvo in a debate between the Government in London and the Government in India over the actions in Amritsar that was going to be both long and significant in nature. The Viceroy, Lord Chelmsford's reply represents the attitudes of those British in India towards the incident and General Dyer himself:

I was extremely sorry to get your telegram with regard to Dyer, not that I think it was unnatural in the circumstances.....I have heard that Dyer administered Martial Law in Amritsar very reasonably and in no sense tyrannously. In these circumstances you will understand why it is that both the Commander – in – Chief and I feel very strongly that an error of judgment, transitory in its consequences, should not bring down upon him a penalty which would be out of all proportion to the offence and which must be balanced against the very notable services which he rendered at an extremely critical time. I should add further that Dyer took part in the recent operations at Thal and again distinguished himself as a military leader of great push and determination<sup>70</sup>

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<sup>69</sup> Montagu Papers in the British Library, MSS Eur D 523,523/8.  
<http://minos1.bl.uk/reshelp/findhelpregion/asia/afghanistan/afghanistancollection/sources1919to1928.html> (accessed 15 Aug, 2009)

<sup>70</sup> Chelmsford Papers, 264/1,264/5 in the British Library, 523/8.  
<http://minos1.bl.uk/reshelp/findhelpregion/asia/afghanistan/afghanistancollection/sources1919to1928.html> (accessed 15 Aug 2009)

Montagu's reaction to the Viceroy's telegram demonstrated his understanding of the seriousness of the situation, but not the urgency required in action:

I have again deferred on this matter to your opinion. I should not have complained if Dyer had lynched those who attacked the lady missionary. It was the savage and inappropriate folly of the order which roused my anger.....I cannot admit that any service Dyer has rendered anywhere can atone for action of this kind, and I am very much worried that he should escape punishment for an order, the results of which are likely to be permanent.<sup>71</sup>

While the telegrams were heating the wires between London and Delhi, General Dyer was about to drop a bombshell on the Government's ability to manage the situation. General Dyer, during a meeting with Sir William Vincent, Home Secretary of India, revealed that he had decided to open fire on the crowd at the Jallianwala Bagh before arriving at the scene and that he had not been in fear of being overrun but intended to produce the 'morale' effect described in the last chapter. Additionally, the sentences of those arraigned under Martial Law in the Punjab had begun to be carried out, causing the profile of the disturbances to be raised again. Importantly, Martial Law had been declared after the major disturbances had been quelled, causing the arrest of 298 individuals to become highly charged. Of the 218 individuals convicted, 51 had been sentenced to death. The large number of death sentences ensured both a media and Indian National Congress focus to public order disturbances would continue.

## **The Hunter Committee**

Indian members of the British establishment and members of the Indian National Congress began to visit Amritsar on fact finding missions of their own. The pressure on the government in London was sufficient that on July 18, 1919, Sir Edwin Montagu directed a Public Enquiry into the disturbances surrounding the Rowlatt Act. This committee was known by the name of its chair, Lord Hunter, the former Solicitor-General for Scotland. The committee consisted of many Indian 'old hands', drawn from across the judiciary, military and civil service. Additionally, the committee had appointed to it three

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<sup>71</sup> Chelmsford Papers, 264/1,264/5 in the British Library, 523/8.  
<http://minos1.bl.uk/reshelp/findhelregion/asia/afghanistan/afghanistancollection/sources1919to1928.html> (accessed 15 Aug 2009)

native Indian lawyers, who although seen as government loyalists, were to become extremely rigorous in their pursuit of the truth. The Hunter committee sat in Delhi, in open session, and examined the disturbances around the Rowlatt Act Riots. The committee was confined to highlighting issues arising from the riots and tasked to make recommendations to the Government for action. The committee had no legal authority to punish any individual due to the Indian government passing the Indemnity Act in September 1919. The Indemnity Act was a common legal accord following the employment of Martial Law. This act provided indemnity to any person who took part in suppressing riots, ensuring that they could not be prosecuted under the law, rendering the Hunter Committees findings only as recommendations for government action.

The Hunter Committee's investigations were viewed by both British Indians and Indian Nationalists as biased, however later commentators view its findings as fair to all parties. The British Indians viewed the committee as pandering to the Indians, and the Indians viewed the report as British whitewashing. Author Nigel Collett describes the Hunter Committee conclusions: "the fact that it was later criticized from both directions is a reasonable indication that it succeeded in doing its job well."<sup>72</sup> The committee took its job seriously; in particular the Indian lawyers appointed to the committee were particularly stringent in their investigations. Even Gandhi was forced to comment "Pandit Jagat Narain's cross examination is extremely severe. I feel that at times it is harsher than it need to be.....Sir Chimanlal Shrestha also asks questions in great detail.....it is admitted by all that the Indian members are no 'yes men'""<sup>73</sup>

The Hunter committee interviewed General Dyer on Thursday November 19, 1919. It was not a pleasant experience for all concerned. General Dyer, confident that he had performed his duty refused legal counsel. The questioning of the lawyers was exacting, detailed and laborious. Eventually General Dyer lost his temper and condemned himself in public. From the official transcripts the Pioneer

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<sup>72</sup> Collett, 334.

<sup>73</sup> Sir Algernon Rumbold, *Watershed in India*. Quoting from a letter from Gandhi, Navajiwani, November 23, 1919. (London, Athlone Press, 1979), 183.

newspaper reported “He was jeered by a gallery of students at the back of the improvised court and Lord Hunter signally failed to keep order or protect the witness against overzealous cross examination...that was fatal with a man of Dyer’s temperament. He lost his temper.”<sup>74</sup> Dyers loss of temper was to prove both embarrassing and appalling to the British government. The daily activities of the committee were being reported all over the British Empire by newspaper columnists; it was a classic case of the media’s communications network being faster than the governments. Up to this stage the official number of casualties at the Jallianwala Bagh had not been appreciated in London. Now Dyer admitted that he may have killed up to 500 rioters and injured thousands more. Sir Edwin Montagu was forced to admit in the House of Commons that the Government was off balance and that it did not possess the full facts, saying that he knew “of no details of the circumstances until I saw it reported in the newspapers” Ultimately the committee’s findings became split between the British and Indian members.<sup>75</sup> The main 200 page report was issued on May 26, 1920 and ensured that the deeply emotional rift between the conservative British military imperialists, British opposition parliamentarians, and Indians would continue. In terms of the Jallianwala Bagh shootings the committee issued the following findings on General Dyer: 1) Notification to the rioters to disperse was insufficient in both time and distribution. 2) The continued length of firing after the crowd at the Jallianwala Bagh began to disperse was in error. 3) General Dyers intent to produce a moral effect on both the crowd and the Punjab was in error and should be condemned. 4) The administration of “fancy punishments” was in error.<sup>76</sup> The Hunter Committees recommendation concerning General Dyer was as follows:

We can arrive at no conclusion other than at Jallianwala Bagh General Dyer acted beyond the necessity of the case, beyond which any reasonable man could have thought to be necessary, and that he did not act with as much humanity as the case permitted. It is with pain that we arrive at this conclusion, for we are not forgetful of General Dyer’s distinguished record as a soldier or of his gallant relief of the garrison at Thal during the recent Afghan war. We must however direct that the judgment above pronounced be

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09) <sup>74</sup> *Pioneer Mail*, 29 July 1927. <http://www.dailypioneer.com/GandhijiOnPioneer.aspx> (accessed 10 Aug

<sup>75</sup> Collett, 341.

<sup>76</sup> Coates, 88.



communicated to His Excellency the Commander in Chief with the request that he will take appropriate action.<sup>77</sup>

The Indian members of the committee felt that the findings of the committee were in themselves not strong enough in condemnation of the events and an additional minority report was issued in addendum. This minority report called for a further investigation into official policy in India in containing riots, the actual details of the civil military interface, and urging strong action is taken against General Dyer. Additionally, the minority report condemned the decision not to render medical aid to the rioters. The minority report concluded with “We feel that General Dyer, by adopting an inhuman and un-British method of dealing with subjects of His Majesty the King Emperor, has done great disservice to the interest of British rule in India.”<sup>78</sup>

Neither report was deemed enough to satisfy the nationalist Indian National Congress. What the report did do was cause a storm of debate within Parliament in London. The opposition party saw an opportunity to discredit the government. This, combined with the general abhorrence in the United Kingdom of the so called “fancy punishments” and the sheer number of casualties, caused the greatest political furor since the end of the First World War.

## **Parliamentary Debates**

The storm that arrived in Parliament in the Autumn of 1919 continued for nearly a year. The greatest politicians that the British Empire possessed at the time all became involved, and it was not until the onset of increased violence in the war of independence in Ireland that the focus changed from activities of General Dyer and the Jallianwala Bagh. The growing discontent in India was watched from London with dismay as a visible gulf was opening between the British and Indian that had not existed before. In the United Kingdom, the English press was nearly universal in their condemnation of the military actions in Amritsar, causing questions to be raised in the House of Commons as to the

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<sup>77</sup> Command 705, *Correspondence between the Government of India and the Secretary of State for India on the Report of Lord Hunter's Committee*. (London: Parliamentary Papers vol 14, 1920), 21.

<sup>78</sup> *Ibid*, 2.

Governments decisions on General Dyer. The level of detail that was lacking to the government as regards the actual details of the massacre was articulated by Sir Edwin Montagu in a letter to the Viceroy in India "Public opinion is very much inflamed and extremely difficult to keep steady. You are charged with not having sent me sufficient information....Dyer's evidence has staggered me as much as anybody."<sup>79</sup>

The Hunter report also forced the arguments between officials in India and London into the media. Sir Michael O'Dwyer, the Governor of the Punjab, copied his particularly direct letters of support for General Dyer's actions to Sir Edwin Montagu to two newspapers, further inflaming the debate. Politicians from all side of the political spectrum offered comment both in support and condemnation of the incident. Winston Churchill called it "an episode without precedent or parallel in the modern history of British Empire...an extraordinary event, a monstrous event, an event which stands in singular and sinister isolation." Herbert Asquith said "There has never been such an incident in the whole annals of Anglo-Indian History nor I believe in the history of our empire since its very inception down to present day....it is one of the worst outrages in the whole of our history."<sup>80</sup> The Liberal Government was forced to accept debate on the issue in Parliament, with Motions to reduce the wage of the Sir Edwin Montagu as an expression of displeasure were tabled by opposition Back Benchers, in attempt to discredit the Government. This forced the politicians into action. Montagu ordered that General Dyer be relieved of command in India and ordered to return to England to face questions from both Parliament and the Army Council and then retire from the Army. The order was passed but brought further internal political debate as this exceeded the powers of Sir Edwin Montagu, causing the Army council to rescind the order for retirement. This caused a direct clash between the military and the Government of the day in a very public way. The debate between the Army, the Chief of the Imperial General Staff and the Government is

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<sup>79</sup> Collett, 343.

<sup>80</sup> Hansard, 5th sec. Commons, quoted by Derek Sayer, *British Commemoration of Amritsar Volume* (London: Patiala, 1997), 24

a fascinating example of civil military relations in crisis management that will not be covered in this monograph but is an area for future research.

While arguments raged in Parliament and the media, the wheels of the Army administration continued. General Dyer's case was heard before the Army Council, where Churchill, then Minister for War called for his forced retirement. The Army Council, deeply conservative and perhaps appreciative of the difficulties of command, deliberated on their decision for over a month. Finally, their decision was released to the Government, supporting the Hunter Committee recommendations but refusing to force Dyer to retire. This was a political defeat for the Government and forced a parliamentary debate in the House of Commons.

The increased parliamentary debate and Dyer's return to England caused the Morning Post newspaper to act on the side of General Dyer, giving a media voice in support of his actions. The Morning Post opened an appeal for support to General Dyer and asked for donations. It quickly raised the enormous sum of over 27,000 pounds, an immense amount as Dyer's Army pension would amount to only 900 pounds a year. The parliamentary debate of July 8, 1920 was to have ramifications beyond that of the actions of General Dyer. By this stage the very public debate over the incident had taken both racial overtones and a debate into how maintenance of Empire was to occur. Sir Edwin Montagu, Jewish by faith, was personally attacked for his liberal views, with his heritage being used to justify his method of actions at the India Office. As with Dyer's evidence to the Hunter Committee, Sir Edwin Montagu became a victim to anger during the debate in the House of Commons. Austin Chamberlain, the Chancellor of the Exchequer described the scene:

I hope that I shall not have such a house as confronted Montagu on Thursday, and that, if I do, I shall not handle it so maladroitly. With the House in that temper nothing could have been so infuriating to it as his opening remarks- no word of sympathy with Dyer, no sign that Montagu appreciated his difficulties, but as it were a passionate peroration to a speech that had not been delivered, a grand finale to a debate which had not begun. Our party has always disliked and distrusted him. On this occasion all their English and racial feeling was stirred to a passionate display- I think I have never seen the House so fiercely

angry- and he threw fuel on the flames. A Jew, rounding on an Englishman and throwing him to the wolves-that was the feeling.<sup>81</sup>

The debate lasted for over 9 hours and ranged beyond just the actions of Dyer, but emerged into a greater debate on the method of controlling the Empire. Montagu stated “I invite this house to choose, and I believe that the choice is fundamental to a continuance of the British Empire, and vital to the continuation, permanent as I believe it to be, to a connection between this country and India.”<sup>82</sup> Bonar Law managed to pour oil on a troubled House by returning the debate to the Punjab by stating “No one accused him (Dyer)– at least I do not- of anything except a grave misconception as to what was his duty. The very fact that the view was expressed by a man of that kind makes it all the more necessary that it should be repudiated by the Government.”<sup>83</sup> This more reasonable tone, and efforts by other leading Liberal politicians forced a vote in condemning the actions of General Dyer, this occurred and the Government was only successful by 101 votes.<sup>84</sup> Although the aftereffects would be severe, 119 of the 129 votes against the motion were from the Governments own Conservative coalition. This caused a split in the governing coalition that would eventual cause the demise of both Lloyd George’s government and the British Liberal Party.

Unfortunately for the government the debate was not yet over. The Morning Post campaign had also raised Dyer to the status of an Imperial Martyr with support for his actions in suppressing a full blown mutiny in the Punjab. The House of Lords proposed a vote to support Dyer, and in the deeply conservative upper house the vote passed. The national debate on Dyers actions are worthy of reading and a full account can be found in Nigel Collett’s excellent work: *The Butcher of Amritsar*. However, the government was not to be denied, and in ill health, General Dyer retired from the Army. The debate over political support for commanders in the field, the correct application of force and where the line of

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<sup>81</sup> Sir Charles Petrie, *The Life and Letters of Sir Austen Chamberlain* (London: Cassell, 1940), 152-153.

<sup>82</sup> Montagu Papers in Trinity College, AS3/4/7(1) 586(4).

<sup>83</sup> Sir Algernon Rumbold, *Watershed in India, 194-1922*. (London: Athlone Press, 1979), 201.

<sup>84</sup> There were approximately 600 MPs in the House of Commons in 1920.

tolerance was for the British people would continue. These issues will be explored further in the next Chapter of this monograph.

## Indian Reactions

While debate raged in London and New Delhi amongst the British establishment, a change was occurring in India that was to have long term effects. As with so many events in history, the efforts of one man were to change the course of history and an Empire. Indian nationalism up until this time had been fractured along ethnic lines without any real central leader. The events at the Jallianwala Bagh were to change this as leaders of the Indian National Congress visited Amritsar. Motilal Nehru, father of Indira Gandhi future Prime Minister of India, wrote to his son of his visit at the end of June 1919 that “he had seen badly decomposed bodies floating in the Jallianwala Bagh well.”<sup>85</sup> Collett describes the situation as “the fact that the debates and the British reaction to them had finally alienated the Indian political elite was something he (Viceroy Curzon) had failed to notice,”<sup>86</sup> and that “In place of loyalty came mistrust; in place of a copying of British culture and ways came a rejection of everything British.”<sup>87</sup>

The Indian National Congress decided to hold their own investigation and committee into the shootings in the Punjab and published its findings prior to Lord Hunters Committee’s decisions. The Committee, headed by Gandhi, called for criminal proceedings against both General Dyer and Sir Michael O’Dwyer. Gandhi himself had a change in his demeanor towards British rule in India. Up to now he had been a proponent of the road to Dominion status and generally a supporter of the Government in many matters. Amritsar changed this. Gandhi said “We do not want to punish General Dyer: we have no desire for revenge: we want to change the system that produces General Dyers.”<sup>88</sup> Gandhi wrote his famous letter to the Viceroy in August 1920, returning his medals won in British Service in South Africa. In his letter Gandhi states:

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<sup>85</sup> Collett, 322.

<sup>86</sup> Collett, 397.

<sup>87</sup> Collett, 398.

<sup>88</sup> Fein, 168.

The attitude of the Imperial and Your Excellency's Governments on the Punjab question has given me additional cause for grave dissatisfaction. I had the honour, as Your Excellency is aware, as one of the congress commissioners to investigate the causes of the disorders in the Punjab during the April of 1919. And it is my deliberate conviction that Sir Michael O'Dwyer was totally unfit to hold the office of Lieutenant Governor of Punjab and that his policy was primarily responsible for infuriating the mob at Amritsar. Do doubt the mob excesses were unpardonable; incendiarism, murder of five innocent Englishmen and the cowardly assault on Miss Sherwood were most deplorable and uncalled for. But the punitive measures taken by General Dyer, Col. Frank Johnson, Col. O'Brien, Mr. Bosworth Smith, Rai Shri Ram Sud, Mr. Malik Khan and other officers were out of all proportion to the crime of the people and amounted to wanton cruelty and inhumanity and almost unparalleled in modern times. Your Excellency's light-hearted treatment of the official crime, your, exoneration of Sir Michael O'Dwyer, Mr. Montagu's dispatch and above all the shameful ignorance of the Punjab events and callous disregard of the feelings of Indians betrayed by the House of Lords, have filled me with the gravest misgivings regarding the future of the Empire, have estranged me completely from the present Government and have disabled me from tendering, as I have hitherto whole-heartedly tendered, my loyal co-operation.<sup>89</sup>

Ben Spoor, spokesman for the British Labor party aptly described the coming situation in 1920 "India may be governed by consent; India will never again be governed by force.....The only logical course, if we are to expect consistency at all, is to be found in the pursuance of the liberal spirit which is supposed to inspire the reforms of last year, and which we are told this afternoon aims at leading the people of India to liberty."<sup>90</sup> This was to be the beginning of Gandhi's famous Civil Disobedience campaign, now supported by the political elites in India due to the inaction and cultural insensitivity of the British government in India.

The effects of the Amritsar massacre were to resonate in India up until the present day. It was viewed as a major spark in leading to the independence of India. Additionally, for the individuals involved the events that occurred in the Jallianwala Bagh were to come home. In 1940 Udham Singh, an extremist Sikh, assassinated Sir Michael O'Dwyer in London as retaliation for his actions in 1919. Today Udham Singh is hailed as a hero of independence in India, showing the importance to modern India of General Dyer's actions in April 1919.

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<sup>89</sup> Mahatma Gandhi, *Freedoms Battle*. (Project Gutenberg, 2003), 133.

<sup>90</sup> Fein, 143.

# ENDURING LESSONS FROM AMRITSAR

## IN THE MODERN ARMY

*“Whoever fights monsters should see to it that in the process he does not become a monster. And when you look into the abyss, the abyss also looks into you.” - Freidrech Nietzsche<sup>91</sup>*

The long term soft effects of the Amritsar massacre cannot be found referenced in modern training manuals or in the schools of the British Military. The long term effects of Amritsar have become imbued within the collective British psyche. A sense of legitimacy, justness, fairness and general reluctance to commit to kinetic operations when engaged in operations outside of High Intensity Conflict have become part of the British culture. This combined with a desire for a clearly defined legal position prior to committal of troops, and a requirement for political leaders to be informed of the military actions have become a trademark of British Operations in the 80 years since General Dyer acted in the Jallianwala Bagh. Three main lessons from Amritsar have endured into the modern British Army. These are: a requirement for a clearly defined legal framework; the importance of civil military relations in operational decision making; and finally, a stated policy of minimum force that has also become part of British military culture.

### Legal Issues

When General Dyer marched into the Jallianwala Bagh the legal position in regards to his upcoming actions was unclear. Doctrine, military theory and common law did not recognize what is now known as operations other than war (OOTW).<sup>92</sup> Rules of engagement, legal advisors and the rest of the paraphernalia modern commanders expect to be enabled with when engaged in public order operations had not yet been invented. In 1919 General Dyer’s position was complicated by the fact that Commissioner Irving handed control of the situation to the military without enforcing a state of martial

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<sup>91</sup> Wilhelm Nietzsche Freidrech, *Beyond Good and Evil*, Book IV, trans. Helen Zimmern 1886. Bartlett’s Familiar Quotations (London: Franklin Electronic Bookman), number 146.

<sup>92</sup> OOTW as defined in *JDP0-1, British Defence Doctrine*. (DCDC 2005).

law. Without the state of martial law, it was argued that General Dyer's actions themselves became illegal as he had no proven authority and that he should be subject to civil control. Unfortunately for Dyer, the civil system had broken down leaving him without recourse but to act. This confusion over authority became the centre piece of the nationalist Indian National Congress party's investigation into the massacre, winning much sympathy within the British Government in London. Dyer's legal and theoretical position in 1919 was defined by three major documents. These were: *The Manual of Military Law* (MML), the *Army Regulations of India*, and finally a military theory book called *Small Wars: Their Principles and Practice*. Unfortunately each of these documents offered conflicting advice and recommendations for the military in acting in support of the civil power. The guidelines within these documents offered clear distinctions between differing types of incidents, and therefore differing levels of applicable force in dealing with them. The MML defined the instances where the military is deployed in support of the civil power as: Unlawful assembly, riot and finally insurrection. The MMLs definition and level of response is outlined below:<sup>93</sup>

Type of Incident	1914 Manual of Military Law Definition	Justifiable level of military force
Unlawful Assembly	Persons of unreasonable firmness and courage endangering the public peace and raising fears and jealousies amongst the Kings Subjects	So much force only is to be used as is sufficient to effect the object in view, namely the dispersion of the assembly
Riot	Tumultuous disturbance of the peace which had intent to execute its private ends in a violent and turbulent manner to the terror of the people	A soldier might use firearms to suppress a riot if used in a fair and honest execution of his duty. This can only be excused by the necessity of self protection, or by the circumstances of the force at the disposal of the authorities being so small that the commission of some felonious outrage cannot be otherwise prevented.

<sup>93</sup> Manual of Military Law 1914.



Insurrection	Some enterprise of a general and public nature with an intention to levy war against the King	In such cases the use of arms may be resorted to as soon as the intention of the insurgents to carry their purpose by force is shown by acts of open violence, and it becomes apparent that immediate action is necessary.....an armed insurrection would justify the use of any degree of force necessary effectually to meet and cope with the insurrection
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The 1918 Indian Army regulations only offered two types of illegal gatherings, that of an unlawful assembly and of a riot. To further complicate the legal and theoretical positions, Colonel Callwell's seminal book, accepted as current doctrine in 1919, only offered two types of warfare: That of small wars and large wars. Nothing below the level of small wars was recognized, ergo, everything below major war was defined as a small war and should be treated accordingly.

From the descriptions above it can be seen how by General Dyer describing, the gathering at the Jallianwala Bagh as an insurrection, felt legally justified in using the level of force he did, and also his surprise at being held that his actions were inappropriate. The actual responsibility of who 'defined' the level of civil unrest activity and when was unclear. Dyer's decision to view the gathering as an insurrection, and then the Hunter committee and the government's decision to view the gathering as a riot, led to his eventual condemnation. Doctor Thomas Mockaitis describes Dyers predicament as a "rather complex legal problem,"<sup>94</sup> where by acting outside of declare martial law he would have to answer for his actions. Mockaitis describes how "since parliament would have to pass an act of indemnity to exonerate him for acts performed.....He was, in other words, at the mercy of the politicians."<sup>95</sup>

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49. <sup>94</sup> Thomas Mockaitis, *The British experience in counterinsurgency, 1919-1960*. (Ann Arbor, UMI, 1988),

<sup>95</sup> Ibid.

Because General Dyer was effectively, whether rightly or wrongly, savaged by the politicians for his actions; the Army saw a requirement to change its methodology in dealing with civil unrest. With an eye to political consequences “the lessons of his case were not lost on other soldiers. In the future they would leave the finer points of law to the solicitors and apply the principle of minimum force to all forms of civil unrest. They also learned that they would have to be far more accountable to civilians than had ever been the case.”<sup>96</sup>

The Army determined that greater emphasis would have to be applied to the escalation of force and that ultimately minimum force would be required. Training of individual soldiers in riot situations, accompanied by careful recording and reporting of activities, in order to ensure that minimum force was used, were implemented. Additionally, the requirement that all bodies of troops be accompanied by a magistrate, an existing requirement for troops deployed within the United Kingdom, was extended across the Empire. The training and tactical methods developed after Amritsar were to remain in force until the early 1970’s. The official British Army lessons learned document from Northern Ireland states “It is true that the ‘Box’ formation used in colonial policing was initially used in Northern Ireland in 1969.”<sup>97</sup> By 1934 the War Office published, *Notes on Imperial Policing*, in order to address what it called the hybrid of civil disorder and guerilla warfare; doctrine now calls this method of war Insurgency. *Notes on Imperial Policing* states “any situation in which innocent could not be clearly separated from guilty, minimum force had to be used even if martial law was in effect.” Dyer’s actions were specifically referenced by instructing “should it become necessary to fire on a crowd, the firing should not be continued a moment longer than is necessary to effect the immediate object of dispersing the crowd, to prolong the firing beyond this point with the ultimate object of impressing the population generally and discouraging rebellion in localities should not be countenanced.”<sup>98</sup>

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<sup>96</sup> Mockaitis, 49.

<sup>97</sup> DCDC, *Operation BANNER, An analysis of military operations in Northern Ireland* (Shrivenham, 2006), 5-14.

<sup>98</sup> War Office, *Notes on Imperial Policing*. (London, 1934), 41.

The clarifying of ambiguity of legal position in the modern Army has been resolved by the simplification of the law regarding the use of the military. Queens Regulations Chapter 11 offers broad rules on the governance of troops employed in Military Aid to the Civil Power. The actual legal rulings on the employment of troops are given in a number of documents. These are:

- a. JSP 373 Military Aid To The Civil Community In The United Kingdom 1997 Edition.
- b. Manual of Military Law, Part II, section V (Army Code No 14470).
- c. Land Operations Volume III (Army Code No 70516).
- d. Internal Security Doctrine and Instructions - Aide Memoire for sub unit and detachment commanders - The Suppression of Unlawful Disturbances (Army Code No 70726).

Unfortunately all of these documents are classified within the British military establishment and exact examination of them cannot be conducted within the restrictions of this monograph. However, in summary, they state that a legal structure prior to the deployment of troops involved in public order Operations must be in place, covering rules of engagement, justification and rules for prosecution. Additionally, modern rules address the difficulties that General Dyer faced in that his actions in Amritsar were covered by Indian Law but judged by a government subject to British Law. Current British troops involved in public order operations are supported by three separate laws worldwide, regardless of the nation where the incident occurs. These directly reflect the findings of the Hunter Commission:<sup>99</sup>

Law	Principles relating to Public order
English Common Law	Included in common law is a person's right to protect themselves from attack, to act in the defence of others to prevent crime, to arrest offender's, and if necessary to use force on another. Three guiding principles are considered relevant: Minimum force, proportionality of force, and the right to self defence

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<sup>99</sup> Army Physical Training Guide, *Public Safety and Public order*, 2006, 2.

Section 3 of the Criminal Law Act 1967	A person may use force as is reasonable in the circumstances in the prevention of crimes, or in the effecting or assisting in the lawful arrest of offender's or suspected offenders or persons unlawfully at large. Force may only be used when: it is reasonable in the circumstances, an absolute necessity, the minimum amount necessary, and proportionate to the seriousness of the incident.
Human Rights Act, 1998	The Human rights act offers a set of guiding principles, including the right to assembly, rights under arrest, right to liberty, right to expression, and finally and most importantly the right to life. The right to life directs that: "Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary- (a) in defence of any person from unlawful violence; (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; (c) in action lawfully taken for the purpose of quelling a riot or insurrection."

Additionally, the British Law of Armed Conflict, the overarching document that guides the British Military when deployed, identifies a number of issues that must be addressed that strongly suggest the inherent legacy from Amritsar. These are: All wounded and sick must be treated humanely, priority of treatment is determined by medical reasons alone, and use no more force than is necessary to achieve your operational task.<sup>100</sup> It seems the legacy of General Dyer's decision to leave the injured without medical support endures in a determination for it not to occur again.

Besides the articulation in law of the requirement for minimum force, the main enduring legal lesson from Amritsar is the removal of classification of force. All incidents requiring the employment of troops in support to the civil power in public order operations are covered by the same legal framework, removing the opportunity for the kind of enquiry that occurred following General Dyers incident in 1919.

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<sup>100</sup> DCDC, *JSP381 Guide to the Law of Armed Conflict* (Shrivenham, 2005), 4.

## Civil Military Relations

The failure in a coordinated approach between Commissioner Irving and General Dyer has been one of the enduring criticisms of the British actions in the management of the incident at Amritsar in 1919. The commonly held principle of both a civil magistrate and military officer together dealing with a riot implies that the theory of civil military relations was well known at the time of the incident. However, either through a reluctance to be involved, a lack of understanding of responsibilities, or just an inability to act, the civil authorities present in Amritsar clearly handed control of the city over to the military without playing any subsequent part in the events that unfolded.

The clear delineation of responsibility in civil military relations that existed at Amritsar of civil primacy before martial law and military responsibility during martial law did not sit well with the military after Amritsar. The Army saw the hero of Thal and a respected General left to public scrutiny and scorn, while the civil establishment that had required the deployment of the military, escaped relatively unharmed in the population's eyes. George Boyce in *Assaye to Assaye*, describes the situation as "many serving soldiers saw the disowning of Dyer as a warning that they had better keep a careful eye on the politicians."<sup>101</sup> While the military took the main portion of the blame in the United Kingdom, the civil authorities in India came under intense scrutiny for their actions by the Indian population who held O'Dwyer equally responsible as Dyer for the massacre in the Jallianwala Bagh. The India Congress Party's investigation of the incident stated that "there should have been officers, both civil and military, who administered martial law."<sup>102</sup>

General Sir Charles Gwynn writing in 1934 in *Imperial Policing* articulated four principles for the deployment of troops in civil disorder situations. Two of these related to civil military cooperation: 1) policy remains vested in the government regardless of the legal state of the incident, and 2) cooperation

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<sup>101</sup> George Boyce, *From Assaye to the Assaye: Reflections on British Government, Force, and Moral Authority in India*. (London: The Journal of Military History, Vol. 63, No. 3 (Jul., 1999)), 662.

<sup>102</sup> Indian National Congress Party Report 1240, 7.

between the military and civil authorities is the key to success. The idea that district officers, police commissioners and the military should work together had always existed within the Empire. These individuals would normally be bound together by public school, social class, and background, providing for an ease of working together. However, Amritsar demonstrated to the military that this ad hoc situation was not always going to be the case and that a formal process was required. Initially, this took the form of the requirement for the requesting civil authorities to communicate in writing the requirement for the deployment of the military. This was then enhanced by the requirement for magistrates to accompany the military when deployed on public order operations.<sup>103</sup>

This early lesson from Amritsar on the requirement for close civil military relations was to be reinforced by the Army's experiences in the Irish War of Independence. Historian John Nagl describes the British lesson in civil military relations from the 1920s as "a military solution stands or falls as the people affected decide to support or oppose it."<sup>104</sup> This made the use of the existing civil infrastructure vital. The British civil military relations eventually reached the formal process that exists today in Malaya in the 1950s in General Gerald Templar's 'Committees.' Templar's committees formalized the process and thereby enhanced the prevention phase of unrests and decreased the probability of military force.<sup>105</sup> The requirement for close civil military relations in civil unrest incidents was to slowly grow throughout the British Military culture and became the recommended approach for all matters short of full scale conventional war. To the Army the evident success of close civil military relations on the ground, and the desire to protect itself from politicians, would ensure that a similar approach would be taken in all low intensity operations, not just in public order deployments. This was formalized in Gwynn's *Imperial Policing* in 1934, in HJ Simpsons 1937 *British Rule and Rebellion*, and into formal doctrine in the War Office directive of 1949 *Imperial Policing and Duties in Aid of the Civil Power*. This doctrine of civil

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<sup>103</sup> Mockaitis, 377.

<sup>104</sup> John Nagl, *Counterinsurgency Lessons from Malaya and Vietnam* (London: Praeger, 2002), 41.

<sup>105</sup> Joel Hamby, *Civil Military Operations: Joint doctrine and the Malayan Emergency*.  
[http://findarticles.com/p/articles/mi\\_m0KNN/is\\_32/ai\\_105853016/](http://findarticles.com/p/articles/mi_m0KNN/is_32/ai_105853016/), accessed 28/09/09.

military relations would culminate in both Malaya and Cyprus, where FW Becket describes the commanders as having “enjoyed virtually pro-consular powers,” with the combining of both civil and military authority in a single individual possessing the full authority of both agencies.<sup>106</sup> This ensured successful operations, the effective employment of all areas of national power, and more importantly to the Army, it protected the Army from the fate of General Dyer.

## **A Policy of Minimal Force**

The idea that a policy of minimum force existed within the British military in 1919 for operations less than full scale war is debatable. From the evidence presented in regards to Amritsar and General Dyer, the principle of minimum force appears to have existed up to the point of military involvement and then no further. The old adage of ‘break glass in the event of war’ could almost have been an Imperial policy. Rupert Smith’s description of military force is apt and clearly portrays how the military was viewed prior to Amritsar: “military fights are brutal because force is applied by military forces armed with lethal weapons. That is what they are trained to do, and that is actually what we, civil society, ask of them.”<sup>107</sup> However, General Dyer’s actions, decisions and repercussions led to great discussion throughout the military establishment and Empire. As can be seen from the examination of the legal and civil military changes above, the military obviously perceived the use of force as an important national issue. After Amritsar, the realization that force was not the answer regarding low intensity conflicts became widely accepted across the Empire.

The clear articulation in the House of Commons debates on Amritsar by leading politicians such as Herbert Asquith and Winston Churchill made it very clear that minimal force was the chosen method of the day when dealing with civil unrest. The Hunter committee’s recommendation following its investigations was that: “The employment of excessive measures is as likely as not to produce the

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<sup>106</sup> Ian Beckett, *Armed Forces and Modern Counter Insurgency* (London: St Martin’s Press, 1985), 8.

<sup>107</sup> Rupert Smith, *The Utility of Force* (London: Penguin Books, 2005), 25.

opposite effect to that desired.”<sup>108</sup> The British Government subsequently issued express guidance as to the use of force in incidents less than war:

The principle which has consistently governed the policy of His Majesty's Government in directing the methods to be employed, when military action in support of civil authority is required, may be broadly stated as using the minimum force necessary. His Majesty's Government are determined that this principle shall remain the primary factor of policy whenever circumstances unfortunately necessitate the suppression of civil disorder by military force within the British Empire.<sup>109</sup>

Sir Charles Gwynn in *Imperial Policing* echoes this stating “It should always be borne in mind that the hostile forces are fellow citizens of the Empire, and that the military object is to re-establish the control of the civil power and secure its acceptance without an aftermath of bitterness.”<sup>110</sup> Both of these comments reflect the soul searching that occurred within the British military establishment following the Insurgency in Ireland in 1919-1921 and General Dyer’s actions in 1919. Dr Hew Strachan in *The Politics of the British Army*, describes the Army’s review of the incidents as “It had seen the situation in military terms: in looking for an enemy it had gone some way toward creating one.”<sup>111</sup>

The Army appeared determined to ensure that it did not get into trouble again. The principles of minimum force so long held within English common law would be widened to include all of the Empire. This desire was further reinforced by the 1937 War Office note *Duties in Aid of the Civil Power*, now called by the modern British Army Military Assistance to the Civil Power (MACP). Mockaitis describes the effect of these ‘notes’ as “the principle of minimum force, which had previously applied only to riot situations when the civil power was still in control, had been expanded to include all disturbances that occurred after martial law had been declared.”<sup>112</sup> Also, the military establishment had become aware that the national appetite for the use of force that had built an Empire was diminishing, and that the social desire was for inclusiveness and minimal force.

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<sup>108</sup> Robert Cassidy, *Peacekeeping in the Abyss* (London: Praeger, 2004), 66.

<sup>109</sup> British Government dispatch to the Government of India, cited in Sir Valentine Chirol, *India Old and New*, (London: MacMillan, 1921), at <http://www.gutenberg.org/files/15586/15586-8.txt>, accessed 28 Aug 09.

<sup>110</sup> Gwynn, 15.

<sup>111</sup> Huw Strachan, *The Politics of the British Army* (New York: Oxford University Press, 1997), 166.

<sup>112</sup> Mockaitis, 57.



While the legal definitions remained on the statute books defining different types of civil disturbances, the Army chose to avoid the legal minefield by refusing to officially describe the various types of incidents it would become involved in. The terms ‘emergency’, ‘troubles’ and ‘unrest’ were carefully used to avoid post hostility legal troubles. In the case of the Mau Mau rebellion in Kenya in 1953, the Government expressly recommended that the word rebellion not be used in any official communiqué so that it might “afford some cover in the common law to any who might take the law into their own hands.”<sup>113</sup> Mockaitis states that in Kenya “soldiers avoided the legal imbroglio by applying the principle of minimum force to all cases of unrest.”<sup>114</sup> What began as an avoidance of legal issues, and a desire to work within the civil military relation, soon began to reap rewards within wider operations than just civil disorder. Commanders quickly realized that by withholding the use of force a moral legitimacy in both unrest and insurgency could be gained. The employment of restraint and minimum force would not just be confined to India. During the 1932 revolt in Burma Major WEH Talbot of the 14<sup>th</sup> Punjab Regiment wrote “when operations have to be conducted without violence or destruction, as is incumbent on a civilized empire; and, above all, when the enemies of today are, it is hoped, the friends of tomorrow, it is obvious that more care and time is necessary for the conduct of such an operation than for one in which the full power of the troops can be used without let or hindrance.”<sup>115</sup> During the Arab revolt in Palestine in 1936, Sir John Dill, Commander British Forces Palestine and future Field Marshall, also acknowledged its usefulness and recommended its use.<sup>116</sup>

The decision to employ minimum force also led to a military cultural decision to employ restraint when dealing with insurgencies. This was to become a trademark of British operations to the present day. In Palestine in 1943, during the beginnings of the Jewish Insurgency, a search operation of Ramat Hacoresh was described by the commander, Brigadier IC Cameron as “I have had considerable

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<sup>113</sup> Telegram from Secretary of State for the Colonies to Governor Sir Evelyn Baring, 7 May 1953. (PRO, C.O. 822/734).

<sup>114</sup> Mockaitis, 57.

<sup>115</sup> WEH Talbot, *The Rebellion in Burma 1931-32* (Nova Scotia: The Annual Journal of the United Services Institute of Nova Scotia, No5, 1932), 86.

<sup>116</sup> Sir John Dill, *Notes on the Tactical Lessons of the Palestine Rebellion*. (London, 1936), 21.

experience of internal security work in Ireland and India, but I have never before witnessed a more violent or fanatical reaction to those engaged on the search.....the police and troops behaved throughout with commendable restraint.”<sup>117</sup>

The policy of the use of minimal force proved remarkably resilient, and was to be employed throughout all of British Counter Insurgencies to the present day. Caroline Kennedy-Pipe and Colin McInnes, writing in Beckett’s *Modern Counter Insurgencies*, describe the British Army’s approach post Amritsar as “from then on the British Army accepted that excess force and brutality could backfire politically, creating more problems in the long run than it might appear to solve in the short. Post war counter insurgency campaigns demonstrated a remarkable commitment to this prima facie unmilitary principle.”<sup>118</sup> The current British position in the use of force in operations less than full scale war has been clearly articulated in the 2009 Counter Insurgency Manual, this state’s “Use of minimum necessary force has been the British Government’s long-standing policy for the armed forces when acting in support of a civil power. The message is simple: no more force must be used than is absolutely necessary and reasonable to achieve the immediate military aim.”<sup>119</sup> The guidance for British troops is clear; minimal force is the directed and current policy of both the Army and the Government in all matters when the military acts in support of the civil power.

The policy of minimal force can be traced directly to the events in the Jallianwala Bagh. The legal and political debate surrounding General Dyer’s actions, combined with the considerable public condemnation forced the Army to reexamine its methods for controlling crowds using force. The reexamination of tactics and procedures carried out through the creation of doctrine and training in the aftermath of the massacre changed the British Army. This change has endured to the current operations in Iraq and Afghanistan through an unambiguous articulation of minimal force in contemporary doctrine and training manuals.

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<sup>117</sup> John Cameron, *Report on the Search of Ramat Hacovesh*, 19 Nov 1943. (PRO, WO 208/1702), 5.

<sup>118</sup> Ian Beckett, *Armed Forces and Modern Counter Insurgency* (London: St Martin’s Press, 1985), 207.

<sup>119</sup> Army Field Manual, *Part 1, Volume 10, Countering Insurgency* (DCDC, 2009), 3-9.

## CONCLUSION

*The lessons to be drawn from Amritsar are as valid today as they were half a Century ago – British Staff College Manual<sup>120</sup>*

The lessons from Amritsar have become firmly embodied within the British military culture when dealing with operations other than war (OOTW). The effect of the actions by General Dyer over 80 years ago reverberate today in the legal, culture and civil military reactions of the modern British Army. The details of the incident have demonstrated that emotion and revisionist history often can obscure the real facts and make determining the actual ground truth difficult. Author, and retired Gurkha officer, Nigel Collett in his book *Sir Reginald Dyer, The Butcher of Amritsar* has performed an excellent job of assembling a worthwhile and balanced source of information. Collett's centre ground approach has now made the case study worth utilizing for lessons learned. The facts of the incident are now worthy of being read by current Army officers that will be deployed in civil control operations in the contemporary operating environment.

General Dyer's actions in the Jallianwala Bagh forced a change in the legal structure that the British Army uses as a framework for the deployment and guidance of troops in public order operations. The military realized that the very rules that governed the use of troops in controlling the population could, as in Dyer's case, be used against them post incident. The military itself, following the condemnation of General Dyer, moved and took action, requesting clear and unambiguous legal definitions to enable commanders once they were deployed to civil disorder situations. This was the first case in the British Army's history where legal consequences post incident would have to be considered before deployment, and it was a change that was to fundamentally affect the British Army for generations to come. The ubiquitous 'yellow card' so intensely studied by British soldiers in modern deployments is

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<sup>120</sup> Army Staff College, *Tactics C: Internal Security and Operations in Aid of the Civil Power* (Camberley, 1960), D11.

directly descended from the events in April 1919.<sup>121</sup> The study of the legal issues surrounding the incident at the Jallianwala Bagh demonstrates the roots of the particularly British requirement for extensive legal preparation before the use of force by troops employed in civil control operations in the modern Army.

The after effects of the massacre at Amritsar both in India and in the United Kingdom demonstrate the importance of fully understanding the civil military relationship. The actions of Deputy Commissioner Irving in Amritsar, effectively removed the civil authority from the growing unrest, proved disastrous. Not only did it ‘unleash’ the military commander to deal with situation as he saw fit, it committed the government to the military’s chosen path without the ability to affect the outcome. The after effects of the incident saw the civil military relationship threatened, with the military establishment rallying to support General Dyer’s actions, and the government and media moving to condemn it. The theory that the ‘man on the ground’ needs to be supported had always been the British tradition; however the immensity of Dyer’s actions caused this into question. Such was the scale of the incident, and such was the mishandling of information by the authorities in India regarding reporting it, that everything about the incident became a political problem. The Army saw that Dyer’s actions were being used as a political ‘football’ in the House of Commons and took action to ensure that it could not happen again. Educational efforts to ensure an escalatory nature for the employment of force and the requirement for a magistrate to be present when troops are deployed have remained a mainstay of British public order operations since 1919. To ensure that the Army was protected by the civil authorities when deployed in civil unrest, the military ensured that a culture of military subordination and advisement to the civil authorities existed. General Kitson writing in 1971 highlighted one of the impacts of Amritsar as “The Army is responsible for producing properly educated commanders and staff officers capable of advising the government and its various agencies at every level on how best to conduct the campaign.”<sup>122</sup> The

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<sup>121</sup> The yellow card is the name that the rules of engagement (ROE) for particular operations are known by in the British Army. It referees to the colour of the card used to provide a summary of the ROE during Op BANNER and has since become part of the Army lexicon.

<sup>122</sup> Kitson, 7.

days of the Army being the lead agency in Empire were firmly over as a result of General Dyer's actions, a combined civil military approach was firmly to become the British method for all operations other than war.

The discussions following the shootings in Amritsar caused a national debate as to the levels of force that would be permitted for Britain to maintain control. Such was the highly charged emotionally nature of this debate, and such was the condemnation of General Dyers actions, that the Army took steps to ensure that commanders would err on the side of minimal force rather than Governor O'Dwyer's philosophy of 'fist force'. Mockaitis states: "few events in modern military history have made such lasting impressions on soldiers as the massacre at Amritsar. Long after the details of the episode had become blurred, its' essential lesson endured. An officer of the Green Howards dealing with the Calcutta riots in 1947 referred to Amritsar in asking what he might do to restore order. Minimum force was the terse reply."<sup>123</sup> The lessons from Amritsar have endured in the modern Army and are directly linked to the incident. The current United Kingdom counter insurgency manual published in April 2009 describes that "The policy of Minimum Force has been variously and often erroneously attributed to such influences as the demands of colonial and imperial policing and the English Class system. The defining point for UK Government policy came at Amritsar in the Punjab, on 13 April 1919."<sup>124</sup> The long term effects of the massacre at the Jallianwala Bagh are best described by the Sunday Times journalist Patrick French:

When the Queen visited India in 1997, to celebrate the 50th anniversary of independence, the Duke of Edinburgh put his foot in it in the customary way. Entering Jallianwala Bagh in Amritsar, he saw a plaque that stated, "This ground is hallowed with the mingled blood of about 2,000 innocent Hindus, Sikhs, and Mussulmans who were shot by British bullets on 13 April, 1919." The duke suggested that the figure was an exaggeration. There were protests in Delhi by Sikh organisations and an official banquet was cancelled.

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<sup>123</sup> Mockaitis, 52.

<sup>124</sup> Army Field Manual, *Part 1, Volume 10, Countering Insurgency* (DCDC, 2009), 3-9.

As it happens, the duke had a point. About 379 people had been killed, and the figure of 2,000 refers ambiguously to the wounded. The massacre at Jallianwala Bagh on the orders of General Reginald Dyer remains the most contentious aspect of British rule in India in the 20th century. The debacle was significant mainly for its singularity. It did more than anything else to undermine Britain's moral legitimacy in India, and provoked the rapid rise of the nationalist movement.<sup>125</sup>

The debate over General Dyer's actions continues today and is often discussed in contemporary media. There is however, no debate over the scale and immense consequences that occurred as a result of the military action in Amritsar. Both supporters and opponents of General Dyer agree that the actions in the Jallianwalla Bagh had a profound effect on both India and the British Empire.

The main lessons learned from the Amritsar massacre in 1919 of minimal force, civil military relations, and a requirement for clear legal guidance governing the employment of troops in civil control operations have shaped current British military crowd control doctrine. These lessons have been justified by examining the history of the riot and both its short term and long term after effects. The current British Army policy for clear legal guidance, a close civil military relationship and the employment of minimal force can all be traced back to the events in the Jallianwala Bagh. The "moral effect" that General Dyer set out to achieve in 1919 was indeed successful; however, it was in the British Army itself where the effect was to be the longest and most enduring.

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<sup>125</sup>The Times online, *The Butcher of Amritsar*, 24 April 2005, [http://entertainment.timesonline.co.uk/tol/arts\\_and\\_entertainment/books/article383052.ece](http://entertainment.timesonline.co.uk/tol/arts_and_entertainment/books/article383052.ece) , accessed 28 Aug 09.

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